

**State of Illinois**  
Bruce Rauner, Governor  
**Department of Human Rights**  
**Department of Human Services**

ICED NEWS

**State Interagency Committee on Employees with Disabilities**

**Volume 15, Number 3, September 2016, Erik Cozzolino, Editor**

**Committee News**

In July 2016, Ms. Janice Glenn, Acting Director of the Illinois Department of Human Rights, became the new ICED Co-Chairperson, joining current Co-Chairperson Department of Human Services' Secretary James T. Dimas. Already an ICED friend during her tenure in Governor Bruce Rauner's Office, Co-Chairperson Glenn looks forward to leading the Committee and State government to ensure even greater access and opportunity for people with disabilities. Ms. Glenn is particularly interested in creating effective communication among the Committee and State employees with disabilities, and you can expect to hear from ICED regularly.

In August 2016, ICED launched its new website, [ICED website](#) with announcements of upcoming events, as well as State government job search suggestions for applicants with disabilities, and information about the rights of State employees with disabilities. Content recommendations, which are always welcome, can be sent to [Susan.Allen@Illinois.gov](mailto:Susan.Allen@Illinois.gov). Please visit the site and provide feedback.

In June 2016, a news item about ICED's 2016 Awards Ceremony appeared in the *State Employee Telegram*, which is distributed to 45,000 State employees under the jurisdiction of the Governor. The event's awardees were featured in the article, which included a photo of State Employee of the Year Nanette Larson, of the Illinois Department of Human Services.

On October 4, 2016, at 2:00 p.m., ICED will host a webinar on **Leaves of Absence and the Americans with Disabilities Act: What State Agencies Need to Know**. Ms. Sharon Rennert, of the Equal Employment Opportunity Commission, which enforces the ADA, is the speaker. Webinar sign-on procedures will be distributed soon. Further information may be obtained by contacting Susan Allen, at [Susan.Allen@Illinois.gov](mailto:Susan.Allen@Illinois.gov).

In July 2016, Deborah Johnson-Small, who served on ICED for 27 years as an employee member appointed by the Governor, retired from the Department of Human Services and her official Committee position. She was honored for service and advocacy at the August ICED meeting, where she promised to continue to attend meetings and participate in ICED activities, when she is not vacationing or enjoying time with her grandson.

## ICED Considering Mentoring Programs

State government has no formal mentoring programs for its employees, though individual State agencies provide various mentorship opportunities. In the past, ICED used an ad-hoc mentoring program – connecting an employee with a disability with a Committee member who was willing to help on a short-term basis. Now ICED is considering a formal program to mentor State employees with disabilities. At this point, a work group has been formed with Tonia Morawiec -- a new member who works in the Illinois Department of Human Services-- as chair. Ms. Morawiec made a presentation on mentoring programs at the August 2016 ICED meeting, generating a discussion of the best program for State government. The work group will meet during the year and make recommendations to the Committee for consideration.

## Over 3,000 Employees with Disabilities Work in State Government

At the end of FY16, June 30, 2016, 3,191 people with disabilities worked in State agencies under the jurisdiction of the Governor. The percentage of State employees with disabilities, 6.80%, represents a small (4%) reduction from last year (7.09%) and a 9% reduction from the end of FY14, (7.39%). For further data on employees with disabilities, see ICED’s website, at [ICED Disability Data](#). The number of State employees with disabilities is generated from an online, voluntary survey of all employees. To put the State’s disability affirmative action performance in perspective, the labor force availability of employees with disabilities in Illinois is 4.95%, and the federal government set a goal of 7% hiring of people with disabilities by federal contractors.

## ICED Seeks Employee Members

If you are a State employee with a disability who is interested in helping others, ICED would like you to be considered for membership. You can submit a resume to Susan Allen, at [Susan.Allen@Illinois.gov](mailto:Susan.Allen@Illinois.gov) or go to [Commission Appointment Page](#), and nominate yourself for membership on the Committee (which is listed on this website as “Employees with Disabilities, Interagency Committee on”).

## ADA Cases at the EEOC

An employee with an intellectual disability who worked in a Wal-Mart store in Rockford, Illinois for 18 years needed a list of daily tasks as an accommodation. Management provided this accommodation for years before ceasing the practice and firing the employee for failure to perform job duties. The U.S. Equal Employment Opportunity Commission (“EEOC”) determined that the employee’s alleged failure to perform job duties was due to Wal-Mart’s failure to provide an ongoing accommodation. A consent decree was reached, under which Wal-Mart will provide \$90,000 to the employee and train staff about disability discrimination and reasonable accommodation.

EEOC filed suit against Wayne Farms in Decatur, Alabama, for discriminating against employees on the basis of disability by maintaining an inflexible attendance policy. The company’s policy limited the number of employee absences even when the absence was related to disability. An employee who needed time off work due to asthma was fired upon reaching the maximum number of allowed absences, despite medical documentation supporting the absences. Delner-Franklin Thomas, district director of EEOC’s Birmingham District Office, said “Attendance policies that categorically limit an

employee's absences, without consideration of the individual circumstances of disabled employees, can run afoul of federal law."

EEOC and Lowe's Companies, Inc. entered into a Consent Decree, under which the company will pay \$8.6 million to employees terminated under a policy limiting the amount of leave time available. Lowe's originally capped its leave time for employees at 180 days and then increased it to 240 days. Employees with disabilities whose medical leaves of absence exceeded these periods of time were terminated. The Consent Decree calls for training of staff on the ADA and for Lowe's to adopt policies that consider reasonable accommodation of extended leaves of absence.

### **Your ICED Members**

Janice Glenn, Director, Department of Human Rights, ICED Co-Chair

James Dimas, Secretary, Department of Human Services, ICED Co-Chair

Lieutenant Governor Evelyn Sanguinetti

Attorney General Lisa Madigan

Secretary of State Jesse White

Comptroller Leslie Geissler Munger

Treasurer Michael W. Frerichs

Erica Jeffries, Director, Department of Veterans' Affairs

Michael Hoffman, Director, Department of Central Management Services

Fredrick Bates, Chair, Civil Service Commission

Sandy Ryan, Acting Director, Council on Developmental Disabilities

Catherine Collier, Department of Children and Family Services

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